



17 July 2013

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To the Councillors of Spelthorne Borough Council

I hereby summon you to attend a meeting of the Council to be held in the **Council Chamber, Council Offices, Knowle Green, Staines-upon-Thames** on **Thursday 25 July 2013** commencing at **7.30pm** for the transaction of the following business.

Roberto Tambini
Chief Executive

Councillors are encouraged to wear their badge of past office at the Council meeting.

AGENDA

Description	Page Number
1. Apologies for absence	
To receive any apologies for non-attendance.	
2. Minutes	
To confirm as a correct record the minutes of the Annual Council meeting held on 23 May 2013.	1 - 4
3. Disclosures of Interest	
To receive any disclosures of interest from members in accordance with the Council's Code of Conduct for members.	
4. Surrey Police and Crime Commissioner	
Mr Kevin Hurley to address the Council on the role of the Surrey Police and Crime Commissioner.	
5. Announcements from the Mayor	
To receive any announcements from the Mayor.	
6. Announcements from the Leader	
To receive any announcements from the Leader.	
7. Announcements from the Chief Executive	
To receive any announcements from the Chief Executive.	
8. Questions from members of the public	
The Leader or his nominee to answer questions raised by members of the public in accordance with Standing Order 13.	
9. Recommendation from the Members' Code of Conduct Committee	
To consider the recommendations of the Members' Code of Conduct Committee.	5 - 30
10. Report from the Leader of the Council	
To receive the report from the Leader of the Council on the work of the Cabinet at its meetings on 25 June and 16 July 2013.	31 - 32
11. Report from the Chairman of the Audit Committee	
To receive the report from the Chairman of the Audit Committee on the work of his Committee.	33

Description	Page Number
12. Report from the Chairman of the Licensing Committee	
To receive the report from the Chairman of the Licensing Committee on the work of her Committee.	34
13. Report from the Chairman of the Members' Code of Conduct Committee	
To receive the report from the Chairman of the Members' Code of Conduct Committee on the work of his Committee.	35 - 36
14. Report from the Chairman of the Overview and Scrutiny Committee	
To receive the report from the Chairman of the Overview and Scrutiny Committee on the work of her Committee.	37 - 38
15. Report from the Chairman of the Planning Committee	
To receive the report from the Chairman of the Planning Committee on the work of his Committee.	39
16. Motions	
Under Standing Order 16.3 the Council has received Notice of the following two Motions:	
(a) "That this Council records and congratulates Councillor Jean Pinkerton on her award of The Most Excellent Order of the British Empire in HM The Queen's Birthday honours list of 2013." Proposed by Councillor Robin Sider and Seconded by Councillor Alfred Friday.	
(b) "This Council continues to oppose Housing and all other inappropriate development in the Green Belt." Proposed by Councillor Ian Beardsmore and Seconded by Councillor Sandra Dunn.	
17. Questions on Ward Issues	
The Leader or his nominee to answer questions from members on issues in their ward, in accordance with Standing Order 14.	
18. General questions	
The Leader or his nominee to answer questions from members on matters affecting the Borough in accordance with Standing Order 14.	
19. Urgent Business	
To consider any urgent business.	

MINUTES OF THE ANNUAL COUNCIL MEETING

**Minutes of the Annual Council Meeting of Spelthorne Borough Council
held in the Council Chamber, Council Offices, Knowle Green, Staines-
upon-Thames on Thursday 23 May 2013 at 7.30pm**

Present:

Ayers F.	Forsbrey G.E.	Patel D.
Ayub A.	Francis M.P.	Patterson A.C.
Bannister C.A.	Frazer C.M.	Pinkerton J.M.
Beardsmore I.J.	Friday A.E.	Rough M.W.
Broom P.A.	Gething N.	Sexton J.
Bushnell M.	Gohil D.	Sider R.W.
Dale J.A.	Grant D.L.	Smith-Ainsley R.A.
Davis C.A.	Harman A.C.	Spencer C.
Dunn R.D.	Harvey I.T.E.	Spoor B.
Dunn S.A.	Leighton V.J.	Taylor S.D.
Evans T.J.M.	Madams M.	Watts R.L. (Leader)
Forbes-Forsyth P. (Deputy Leader)	Napper I.	Webb S.

Mr. Murray Litvak and Miss Sue Faulkner, Chairman and Vice-Chairman respectively of the Members' Code of Conduct Committee were also in attendance.

Councillor R.W. Sider, the Mayor, in the Chair

132/13 Election of Mayor

The retiring Mayor, Councillor Robin Sider, welcomed all Members and guests to the Annual Meeting of the Council. He said it had been a pleasure and a privilege to serve as Mayor for the past year and to have the opportunity to meet many residents of, and visitors to, the Borough.

He was pleased to report that he had represented the Borough at over 300 events during his term of office and raised in the region of £27,500 for local charities, in particular Spelthorne Multiple Sclerosis Society, Spelthorne Alzheimer's and Dementia, Spelthorne Gymnastic Club and the Swan Sanctuary. He thanked his charity committee for their hard work throughout the year, which had made his events so successful.

He thanked the Chief Executive, Roberto Tambini for his help and advice and all the councillors and staff for their support.

He gave special thanks to, the Deputy Mayor Councillor Isobel Napper and the Deputy Mayors' Consort, for their help, support and friendship and wished them both a great year as Mayor and Mayor's Consort of Spelthorne.

Lastly, the Mayor presented bouquets to the following individuals: his wife, Mayoress Mrs Jeanette Sider as a small token for all her support; and finally his secretary Mrs Gillian Vince for her hard work during the year.

It was moved by Councillor P.A. Broom and seconded by Councillor P. Forbes-Forsyth and

Council 23 May 2013 – continued

RESOLVED that Councillor I. Napper be appointed Mayor for the Municipal Year 2013/2014.

A short adjournment took place to hand over the robes and badge of Office to the new Mayor during which Anne-Sophie O'Connor, a pupil at Our Lady of the Rosary Roman Catholic School sang 'Scarborough Fair'.

133/13 Apologies

Apologies for absence were received from Councillors S.E.W Budd, A.J. Mitchell and C.V. Strong.

134/13 Minutes

The minutes of the Council meeting held on 7 May 2013 were approved as a correct record subject to the inclusion of Councillors Broom Budd, Francis and Taylor in the list of those in attendance and the substitution of the word 'critical' in place of 'political' in Minute 113/13.

135/13 Election of Deputy Mayor

It was moved by Councillor R.W. Sider and seconded by Councillor A.C. Patterson and

RESOLVED that Councillor A.C. Harman be appointed Deputy Mayor for the Municipal Year 2013/2014.

Councillor Tony Harman made the declaration of acceptance of office as Deputy Mayor of the Borough of Spelthorne.
The Mayor congratulated Councillor Tony Harman on his election and invested him with the Badge of Office of Deputy Mayor.
The Mayor's Consort, Tom Napper presented the Deputy Mayoress' Badge to the Deputy Mayoress, Mrs Daphne Harman.
Councillor Tony Harman briefly addressed the Council and said he looked forward to supporting the Mayor and the Mayoress over the coming Mayoral year.

136/13 Disclosures of Interest

There were no disclosures of interest.

137/13 Announcements from the Mayor

The Mayor announced the following civic event with full details being notified nearer the time:

Sunday 21 July at 2pm - Civic Service at St Peter's Church, Staines-upon-Thames.

138/13 Announcements from the Leader

The Leader took this opportunity to congratulate Councillor I. Napper on her election as Mayor and wished her every success for her Mayoral year.

The Leader announced that the draft local economic assessment of the Borough is currently being consulted upon which is part of the Leader's priorities to boost the local economy and create an economic strategy later in the year.

Council 23 May 2013 – continued

The Leader declared the flagship projects that his Cabinet will be undertaking during the oncoming year, which includes Laleham Park regeneration, the Knowle Green Hub, a number of developments in Staines-upon-Thames, redevelopment of Ashford Car Park, the continuation of Stanwell New Start and the improved waste management of difficult properties.

139/13 Committees 2013-14

Details of the Committees, their size, the political allocation of seats and the members to serve on them had been laid round at the meeting as **Appendix A1** to all Members of the Council. The Council also had regard to the information set out at Agenda item 8.

It was moved by Councillor R.L. Watts and seconded by Councillor P. Forbes-Forsyth and

RESOLVED to agree:

- a) The appointment of the Committees shown at Agenda Item 8 (1), of the size indicated and with the terms of reference and functions set out in Part 3 (a) of the Council's Constitution.
- b) The allocation of seats as shown at Agenda Item 8 (2).
- c) The Members to serve on Committees as shown on Appendix A1.
- d) That Mr. Murray Litvak and Miss Sue Faulkner be appointed as Chairman and Vice Chairman, respectively, of the Members' Code of Conduct Committee.

139/13B Appointment by the Council to Outside Bodies**South West Middlesex Crematorium**

It was moved by Councillor R.L. Watts and seconded by Councillor P. Forbes-Forsyth to propose Councillor P.A. Broom as the Council's representative.

It was moved by Councillor C. Spencer and seconded by Councillor F. Ayers to propose Councillor D.L. Grant as the Council's representative.

The matter was put to the vote and it was

RESOLVED that Councillor P.A. Broom be appointed as the Council's representative to the South West Middlesex Crematorium Board.

It was moved by Councillor P. Forbes-Forsyth and seconded by Councillor J.M. Pinkerton and

RESOLVED that Councillor R.L. Watts be appointed as the Council's Deputy representative to the South West Crematorium Board.

Surrey Police and Crime Panel

It was moved by Councillor R.L. Watts and seconded by Councillor J.M. Pinkerton and

RESOLVED that Councillor P. Forbes-Forsyth be appointed as the Council's representative on the Surrey Police and Crime Panel.

CABINET and COMMITTEES MEMBERSHIP for 2013-2014 from 23 May 2013 - Appendix A1 (Version dated 23 May 2013)

CABINET (9 seats)	AUDIT (7 seats)	LICENSING (15 seats)	OVERVIEW AND SCRUTINY (15 seats)	PLANNING (15 seats)	MEMBERS' CODE of CONDUCT **[10 members](8 seats)	*STAFFING AND APPEALS (5 seats)
Leader of Council/Strategy, Corporate Governance <i>R.L. Watts</i>	J.A. Dale	A. Ayub	F. Ayers	I.J. Beardsmore	F. Ayers	
Deputy Leader/Community Safety, Young People, Leisure and Culture <i>P. Forbes-Forsyth</i>	D. Gohil	M. Bushnell	A. Ayub	S. Budd	C. Bannister	
Finance <i>T.J.M Evans</i>	A.C. Harman	J.A. Dale	C. Bannister	S.A. Dunn	P. Broom	
Economic Development and Fixed Assets <i>N. Gething</i>	M.J. Madams	C.A. Davis	P. Broom	G. Forsbrey	R.D. Dunn	
Corporate Development <i>V.J. Leighton</i>	D. Patel	S.A. Dunn	M. Bushnell	M.P.C. Francis	A.E. Friday	
Environment (incl. Parks and Waste Management) <i>A.J. Mitchell</i>	A. Patterson	D. Grant	C. A. Davis	C.M. Frazer	D. Gohil	*[Meets as and when required]
Health, Wellbeing and Independent Living <i>J.M. Pinkerton</i>	C.V. Strong	A.C. Harman	R.D. Dunn	A.E. Friday	M.J. Madams	
Communications, ICT and Procurement <i>J.R. Sexton</i>		I. Harvey	C.M. Frazer	N. St. J. Gething	A.J. Mitchell	
Planning and Housing <i>S. Webb</i>		V.J. Leighton	A.E. Friday	A.C. Harman		
		M.J. Madams	D. Gohil	D. Patel	**2 members are non- councillors	
		A. Patterson	I. Harvey	R.W. Sider	M. Litvak (Chair)	
		M.W. Rough	M.J. Madams	R.A. Smith-Ainsley	S. Faulkner (Vice-Chair)	
		R.W. Sider	D. Patel	C.L. Spencer		
		R.A. Smith-Ainsley	M. Rough	S.D. Taylor		
		B. Spoor	S.D. Taylor	S. Webb		
Conservative 9	Conservative 5 SIP 1 Liberal Democrat 1	Conservative 10 SIP 3 Liberal Democrat 2	Conservative 11 SIP 3 Liberal Democrat 1	Conservative 10 SIP 3 Liberal Democrat 2	Conservative 5 SIP 2 Liberal Democrat 1	Conservative 3 SIP 1 Liberal Democrat 1



Council

25 July 2013

Title	Member Code of Conduct		
Purpose	Resolution required		
Report of	Monitoring Officer	Confidential	No
Cabinet Member	Not applicable	Key Decision	No
Report Author	Michael Graham, Head of Corporate Governance		
Summary and Key Issues	<p>This report is to provide background to the recommendations from the Member Code of Conduct Committee, which are designed to implement provisions that might be added to the Member Code of Conduct to cover the gaps identified by the Committee, in relation to:</p> <ul style="list-style-type: none"> (1) gifts and hospitality; (2) membership of outside bodies and organisations; and, (3) dealing with conflicts of interest other than those which are prescribed as “Disclosable Pecuniary Interests” in regulations. <p>In addition to this, the Committee has reviewed the Staff Code of Conduct and proposes a revised code for staff which is now more aligned with the Member Code mentioned above, in that the provisions for:</p> <ul style="list-style-type: none"> (1) gifts and hospitality; (2) membership of outside bodies and organisations; and, (3) dealing with conflicts of interest other <p>are now the same or broadly similar to the Member Code.</p>		
Financial Implications	There are none.		
Recommendations	<p>Council is asked to agree the recommendation of the Members’ Code of Conduct Committee to approve:</p> <ul style="list-style-type: none"> a) the revised Member Code of Conduct b) the revised Staff Code of Conduct (subject to an amendment to import paragraph 9 of the Member Code into the Staff Code) c) the Policy on Gifts, Hospitality and Sponsorship; d) the Conflicts of Interest Policy e) that the Monitoring Officer be authorised to make consequential amendments to Standing Orders and the constitution. 		

Background

- 1.1 In June 2012 the Council adopted the DCLG Model Code of Conduct which requires councillors to abide by the regulations on Disclosable Pecuniary Interests and also to notify the Monitoring Officer of any other non-pecuniary interests the Council thinks appropriate. At the time of making the Code the Council did not specify any such other non-pecuniary interests. The principal reason being that by the time regulations were published it was too late to revise the Code to include areas which we thought might be included.
- 1.2 At the Members' Code of Conduct (MCC) Committee meeting held in July 2012, members considered that there were several important aspects that ought to be subject to some guidance for councillors when dealing with :
 - (a) Gifts, hospitality and sponsorship;
 - (b) Membership of outside bodies and organisations; and,
 - (c) Dealing with conflicts of interest other than those which are prescribed as "Disclosable Pecuniary Interests" in regulations.
- 1.3 This was mostly to reassure the public that high standards of corporate governance were in place within the Council, but also to protect councillors from any criticism that may be levelled in making decisions if these matters were not seen as being transparent and above board.
- 1.4 It was also noted that the remit of the Committee now included the Staff Code of Conduct which had not been reviewed for some time.
- 1.5 These matters were considered again at the Committee's September 2012, February 2013 and May 2013 meetings when different ways of dealing with these matters were discussed. A summary of the concerns and recommended actions is shown below.

2. Key issues

- 2.1 **Gifts and hospitality.** Members have been used to recording gifts and hospitality for some years. The matter was in the statutory code since 2001. It was an uncontroversial proposition that if a member received a token gesture in the course of his or her official duties then it be recorded and that the record be open to public inspection. A similar provision exists for staff, who note gifts and hospitality in a record retained in the Chief Executive's office.
- 2.2 The Committee agreed that a slightly higher threshold of £35 should apply. Members took into account the normal hospitality offered in connection with official duties and the token gifts of appreciation often offered, especially to the Mayor or from grateful residents. It was noted that a decent bouquet of flowers would now exceed the £25 reporting threshold and that it was really not necessary for such gifts to be reportable.
- 2.3 This approach has been incorporated into a revised Policy on Gifts, Hospitality and Sponsorship which will sit underneath both the Member Code of Conduct and the Staff Code of Conduct, so that exactly the same provisions are applicable to each. This has the advantage of introducing the same reporting mechanism; namely offers of gifts and hospitality have to be recorded in the Register in the Chief Executive's Office. The Committee agreed to recommend the Policy on Gifts, Hospitality and Sponsorship for approval. See **Appendix 1**.

- 2.4 **Membership of outside bodies and dealing with possible conflicts of interest.** The Committee identified that whilst Disclosable Pecuniary Interests (defined in regulations) would cover a member and a member's spouse or partner, this narrow definition did not deal with all the possible conflicts of interest which might occur in the course of Council life and for which a member could be criticised if they were not disclosed.
- 2.5 The Committee agreed that it should be clear to the public if councillors have any interests outside the Council which could be relevant to their work as a councillor. These are referred to as Non-Pecuniary Interests.
- 2.6 To illustrate the concerns:
- (a) If a councillor was a school governor, and the school made a planning application, the current Disclosable Pecuniary Interest regulations would not require the member to declare his/her other interest. However, the public might expect this to be made known.
 - (b) The new regulations cover spouses' and partners' financial interests, but do not extend to cover the declaration of other potentially dangerous situations. For instance, if a member's child was to make a planning application, and that member is a member of the Planning Committee, there is no duty for that member to declare this at the meeting.
- 2.7 The last statutory code of conduct dealt with this issue in a comprehensive way with definitions of personal and prejudicial interests. Whilst the provisions were comprehensive they were also felt to be overly prescriptive and bureaucratic. The Committee agreed that there was no wish to reintroduce such provisions which had just been abolished. Instead it agreed a much lighter requirement to declare conflicts and that Members be bound to:
- (a) disclose memberships of outside bodies which were relevant to the work of the Council,
 - (b) follow policy advice. This would mean that members have to take into account such guidance as the Conflicts of Interest Policy, the Planning Code or any other guidance which the Committee considers necessary to provide more detail on dealing with situations where conflicts might exist.
- 2.8 The Committee agreed to recommend the revised Member Code of Conduct, including wording to deal with these requirements, for approval. See **Appendix 2.**
- 2.9 The Committee also agreed to recommend approval of a Conflicts of Interest Policy to provide some further guidance. See **Appendix 3.**
- 2.10 The Committee also considered changes to Standing Orders to give effect to these changes. The Committee considered what expectations they had for councillors to stay in a meeting room and take part in a debate once a non pecuniary interest was declared.
- 2.11 The Committee indicated its support as follows:
- (a) Where a member has a pecuniary interest the member should declare the interest and take no part in the meeting and voting on the matter and leave the room for the duration of the debate; and

- (b) Where a member has a non-pecuniary interest or some other conflict of interest the councillor should declare the matter but be entitled to take part in the meeting and the voting.
- 2.12 The Committee agreed that amendments to Standing Orders to reflect this approach should be recommended to Council. A highlighted extract is shown at **Appendix 4**.
- 2.13 **Staff Code of Conduct.** The Committee also considered an updated Staff Code of Conduct. This has been revised to make it a more succinct document. Staff are also obliged to consider the policies on gifts, hospitality and sponsorship and conflicts of interest.
- 2.14 The Committee is recommending an annual reporting system for staff. It has also modernised the Code to reflect the duties on Members through the Nolan Committee principles (both Members and Staff are now obliged to follow these principles). The Committee has also removed wording in relation to secret societies as this was no longer applicable to Members.
- 2.15 Unison was consulted on the changes.
- 2.16 The revised Code is shown at **Appendix 5**. At the suggestion of the Leader of the Council, the requirement in the Members' Code for members to treat people equally and with respect (para 9) should also be applied to the staff code.
- 3. Options analysis and proposal**
- 3.1 To consider and approve the recommendations from the Members' Code of Conduct Committee on changes to the Member Code, Staff Code, Standing Orders and adoption of new policy are considered appropriate.
- 4. Financial implications**
- 4.1 There are none.
- 5. Other considerations**
- 5.1 Legal considerations have been taken into account in the drafting of this report.
- 6. Risks and how they will be mitigated**
- 6.1 There are none.
- 7. Timetable for implementation**
- 7.1 If the recommendations are accepted then the changes will be made immediately. The Constitution will be updated and training for members is scheduled for September.

Background papers: There are none

Appendices:

- 1 – Policy on Gifts Hospitality and Sponsorship**
- 2 – Revised Member Code of Conduct**
- 3 – Policy on Conflicts of Interest**
- 4 – Amended Standing Orders**
- 5 – Revised Staff Code of Conduct.**

Policy on Gifts, Hospitality and Sponsorship

1. Introduction

- 1.1 The Council has adopted a Code of Conduct for Members and a Staff Code of Conduct. Each code is based on the Nolan Committee's Seven Principles of Public Life. All councillors, co-opted members and staff are expected to abide by the code which is relevant for them. In addition all councillors, co-opted members and staff are also bound by this Policy on Gifts, Hospitality and Sponsorship which contains provisions which are applicable to all those working for the Council in their respective capacity.

2. General provisions

- 2.1 It is a criminal offence for you corruptly to receive or give any gift, loan, fee, reward or advantage for doing or not doing anything or showing favour or disfavour to any person in your official capacity. It is for you to demonstrate that any such rewards have not been corruptly obtained.
- 2.2 The Council has adopted the following guidelines to help but they may be used in a disciplinary setting to determine if you are in breach of the relevant Code of Conduct.
- 2.3 One of the most difficult questions on which advice is sought, is the giving and receiving of hospitality and gifts. Staff and councillors need to appreciate that gifts, hospitality and sponsorship wrongly accepted can amount to or be construed as bribery within the meaning of the Bribery Act 2010.
- 2.4 It is impossible to prepare guidance to cover all situations, and you should always take advice whenever complex or potentially contentious situations occur. Staff can talk to their Chief Officer, to the Head of Human Resources or the Head of Corporate Governance. Councillors can talk to the Chief Executive or the Head of Corporate Governance.
- 2.5 One test to apply in this situation is "What would the man or woman in the street think"? Ask yourself whether if they knew the circumstances, they would think that you might be influenced in your future conduct by the gift or hospitality offered. Would they think that your past conduct might have been influenced by the hope of, or designed to encourage, such a gift or hospitality? If the answer to either of these questions is "yes", you should refuse the offer.
- 2.6 Bear in mind that it is not enough to avoid actual impropriety. It is important for your reputation and that of the Council to avoid any occasions for suspicion and any appearance of improper behaviour.

3. Gifts

- 3.1 A gift offered to you may be accepted if:-
- (a) it is of nominal value (below £35.00) e.g. calendars, diaries, pens, a bottle of wine, flowers etc., and
 - (b) no ulterior motive is apparent nor is there any danger of misinterpretation by the public (be careful where the offer comes from a person or company seeking work from the Council).
- 3.2 Gifts outside the scope of the above guidelines, should normally be refused, unless refusal would give offence. In such a case, the gift could be accepted

Appendix 1

and donated to the Mayor's Charity Appeal, with a suitable explanation to the person or company concerned. Receipt of gifts in these circumstances should be reported in accordance with paragraphs relating to Register for Gifts and Hospitality below. They should always be refused if an ulterior motive is apparent.

- 3.3 Gifts offered by grateful members of the public can similarly be accepted where the value is nominal (below £35.00) and a refusal might otherwise give offence. Some members of staff and councillors however, regularly come into contact with the public and a frequent recurrence of small gifts might give the impression that they are expected or a reward for favourable treatment. In these circumstances, gifts should normally be refused. Alternatively, if refusal would give serious offence, they could be accepted and the rules mentioned above applied.
- 3.4 In any event, you should refuse an offer or try to avoid situations where you are likely to be offered a gift from a person or company engaged in negotiating a contract or other matter with the Council, or who has negotiated such a matter and where you are directly responsible for formulating recommendations to the Council, for making a decision on a contract or for monitoring the service received from the person or Company concerned. If the contract or other matter has been completed, and there is no obvious likelihood of a renewal, then the previous paragraphs apply.

4. Hospitality

- 4.1 You should only accept offers of hospitality if there is a genuine need to impart information, represent or promote the interests of the Council in the community. Offers to attend purely social or sporting functions should be accepted only when these are part of the life of the community or where the Council should be seen to be represented. Any hospitality accepted, should be properly authorised and recorded. (See paragraphs relating to Register for Gift and Hospitality below).
- 4.2 When hospitality has to be declined, those making the offer should be courteously but firmly informed of the procedures and standards operating within the Council.
- 4.3 When receiving authorised hospitality you should be particularly sensitive as to its timing in relation to decisions which the Council may be taking affecting those providing the hospitality.
- 4.4 Acceptance of hospitality through attendance at relevant conferences and courses is acceptable where it is clear the hospitality is corporate rather than personal, where the Chief Executive is consulted in advance and where the Council is satisfied that any purchasing decisions are not compromised.

5. Register for Gifts and Hospitality

- 5.1 You must record all gifts and hospitality received, and any offered but rejected, in the Register maintained by the Chief Executive. This must include all offers of gifts and hospitality. Each entry in the Register must be authorised by the Chief Executive and in the case of hospitality accepted, it must be authorised in advance of attendance of the particular event.

5.2 In all cases, it is better to err on the side of caution. If you have doubts, seek advice. What matters above all else, are the reputations of yourself, the Council and local government generally.

6. Sponsorship - giving and receiving

6.1 Where an outside organisation wishes to sponsor or is asked to sponsor a Council activity, whether by invitation, tender, negotiation or voluntarily, the basic conventions concerning acceptance of gifts or hospitality apply. How would this look to the ordinary man or woman in the street? Particular care must be taken when dealing with contractors or potential contractors (i.e. contractors who could bid for Council work).

6.2 Where the Council wishes to sponsor an event or service neither you nor any person connected with you must benefit personally from such sponsorship in any way. In all cases there ought to be full disclosure of the arrangements and consultation with the Chief Executive at an early stage.

6.3 Similarly, where the Council through sponsorship, grant aid, financial or other means, gives support in the community, you should ensure that impartial advice is given and that there is no conflict of interest involved with your work as a councillor or member of staff and any outside interests.

6.4 In each arrangement for sponsorship, care shall be given to recording the arrangement and the decision making process so that there is a clear audit trail for the purposes of transparency and accountability.

Spelthorne Borough Council

Code of conduct for councillors and co-opted members

General Obligations

You are a councillor or co-opted member of Spelthorne Borough Council and hence you shall have regard to the following principles – selflessness, integrity, objectivity, accountability, openness, honesty and leadership.

Accordingly, when acting in your capacity as a councillor or co-opted member -

1. You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.
2. You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
3. When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.
4. You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.
5. You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.
6. You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out below.
7. You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.
8. You must, when using or authorising the use by others of the resources of your authority, ensure that such resources are not used improperly for political purposes (including party political purposes) and you must have regard to any applicable Local Authority Code of Publicity made under the Local Government Act 1986.
9. You must treat others with respect. This means treating people fairly and equitably and with courtesy, compassion and sensitivity. You should treat other people equally as you yourself would expect to be treated. You must never use behaviour which a reasonable person would consider as offensive, overbearing, intimidating, malicious, insulting or humiliating.
10. You must discharge your duties and conduct yourself in such a way that assists the Council to comply with its duties under the Equality Act 2010.

11. You must respect the distinct but complementary roles that councillors and officers have in their work for the Council and abide by the advice in the Member Officer Protocol.
12. You must recognise that the staff working for, or on behalf of, the Council are required to be impartial and you must not do anything which compromises that impartiality.
13. If a complaint is made under this Code of Conduct then you must not interfere with the administration or investigation of the complaint and you must not intimidate any complainant, witness or likely witness or engage with them in any way which undermines the investigation.

Registering and declaring pecuniary and non-pecuniary interests

14. You must, within 28 days of taking office as a councillor or co-opted member, notify the Monitoring Officer of any "Disclosable Pecuniary Interest" as defined by regulations made by the Secretary of State, where the pecuniary interest is yours, your spouse's or civil partner's, or is the pecuniary interest of somebody with whom you are living with as a husband or wife, or as if you were civil partners.
15. In addition, you must, within 28 days of taking office as a councillor or co-opted member, notify the Monitoring Officer of ~~any Disclosable Pecuniary Interest~~ or other Non-Pecuniary Interests which the Council has decided should be included in the register.
16. **The Council has decided that it is appropriate for you to register and disclose Non-Pecuniary Interests that arise from your membership of, or your occupation of a position of general control or management in, the following bodies:**
 - a. **bodies to which you have been appointed or nominated by the Council;**
 - b. **bodies exercising functions of a public nature;**
 - c. **bodies directed to charitable purposes;**
 - d. **bodies one of whose principal purposes includes the influence of public opinion or policy.**
17. If an interest (**under paragraphs 14 -16 above**) has not been entered onto the Council's register, then the councillor or co-opted member must disclose the interest to any meeting of the authority at which they are present, where they have an ~~disclosable~~ interest in any matter being considered and where the matter is not a 'sensitive interest'.¹
18. Following any disclosure of an interest not on the authority's register or the subject of pending notification, you must notify the Monitoring Officer of the interest within 28 days beginning with the date of disclosure.
19. Unless dispensation has been granted, you may not participate in any discussion of, vote on, or discharge any function related to any matter in which you have a **Disclosable** Pecuniary Interest as defined by regulations made by the Secretary of State. Additionally, you must observe the restrictions your authority places on your

¹ A 'sensitive interest' is described in the Localism Act 2011 where the councillor or person connected with the councillor could be subject to violence or intimidation.

involvement in matters where you have a pecuniary or non pecuniary interest as defined by your authority.

Other guidance

- 20. The Members Code of Conduct publishes other guidance to assist councillors and co-opted members to meet the aspirations of this Code. You should make yourself familiar with this guidance and act accordingly:**
 - a. The Planning Code**
 - b. Policy on Gifts, Hospitality and Sponsorship**
 - c. Conflicts of Interest Policy**

Conflicts of Interest Policy

1. Who is this guide for?

- 1.1 This guide is for councillors and staff who will wish to ascertain whether they have an interest which should be declared under the Member Code of Conduct or the Staff Code of Conduct.
- 1.2 This guidance is supplemental to both documents. Both councillors and staff are obliged to follow the Nolan Committee's Seven Principles of Public Life:
 - (a) You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.
 - (b) You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
 - (c) When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.
 - (d) You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.
 - (e) You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.
 - (f) You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out below.
 - (g) You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.
- 1.3 Under the Member Code of Conduct councillors are obliged to declare pecuniary interests and membership of outside bodies. However these formal definitions do not cover every possible conflict which could be encountered by councillors and this document provides additional guidance so that Members can meet their obligations under the Nolan Committee's Seven Principles.
- 1.4 Similarly, whilst the Staff Code of Conduct specifies numerous matters which must be reported to their Chief Officer, not every eventuality can be covered and there is a catch all category of "any other connection to the Council's work which may be relevant".
- 1.5 This document provides extra explanation of what conflicts ought to be recorded by you in your work for the Council. The intention of this guide is not to look in depth at any particular situations, but to provide an overview of conflicts of interest, and how to deal with them, and to signpost sources of further information.

2. What is a conflict of interest and what issues does it raise?

- 2.1 A conflict of interest is any situation in which your personal interests, or interests that you owe to another body or person, may (or may appear to) influence or affect your decision making.
- 2.2 It is inevitable that conflicts of interest occur. The issue is not your integrity, but the management of any situation where there is potential for criticism that your position or your decision has been influenced by conflicting loyalties. Even the appearance of a conflict of interest can damage your reputation and the Council's reputation, so conflicts need to be managed carefully.
- 2.3 It is the potential, rather than the actual benefit from which the conflict of interest arises and which requires attention. In order to ensure selflessness and transparency, a declaration is required where there is a possibility of people outside the Council assuming that you (or a friend or relative) may have some benefit from the Council's business or decision making. This will avoid accusations of impropriety, which could in turn have a damaging effect on the Council's reputation.
- 2.4 Some advantages of working for the Council are enjoyed by more than one person. Where this arises then it is not usually the case that a declaration has to be made. An example of this would be the allowances and expenses which councillors are entitled to claim. These decisions are always made in the open at public meetings and although it is correct that councillors will receive a personal benefit there is no real risk to accountability or transparent decision making if an interest is not declared in that situation. This is because the subject matter of the decision makes it clear that councillors will benefit. Similarly pay rises for staff will be recommended by staff and decisions made by councillors – it is clear what is going on and no declarations are required.
- 2.5 You should be more careful where decisions arise and it is not clear what is going on. For example, a planning application is made by someone you know. If you are a planning officer then you should declare to your manager that this is the case. Then the manager can make an informed decision if you should continue to work on the case. If you are a councillor on the planning committee and the application is referred to the committee then the public will know that the relationship exists only if you declare it. In these cases, a timely declaration of an interest will assure members of the public that there is nothing untoward to be worried about and that you are acting beyond reproach.
- 2.6 Similarly if you take advantage of benefits that are available to all, or that are of inconsequential or little measurable value, they will not normally need to be declared. E.g. you hire a village hall. This would not need to be declared, as the facilities are available to all members of the local community, which includes councillors and staff alike.
- 2.7 Issues may also arise where you have a conflict of interest or loyalties on a particular issue, but there is no potential for profit or advantage by any person. This may still be useful to declare so that it is clear that a decision has been made correctly. For instance you are a member of an outside body and the affairs of that body are raised at a meeting. It is helpful for all concerned to

know about the link to that other body even if nothing in the debate or the decision particularly turns on the declaration.

3. How do I identify a conflict of interest?

3.1 Conflicts of interest may come in a number of different forms:

- direct financial gain or benefit
- the award of a contract to another organisation in which you (or a friend or relative) has an interest and from which you (or they) will receive a financial benefit
- indirect financial gain, such as employment by the Council of your spouse or partner
- non-financial gain, such as when the Council's decisions or policies affect another organisation of which you are a member.

3.2 The Council expects you to be able to identify possible conflicts of interest when they arise and to ensure, that you take advice and to make the appropriate declarations. If you are a member of staff then you can speak to your line manager, Human Resources or the Head of Corporate Governance. If you are a councillor you can speak to the Head of Corporate Governance, the Chief Executive or a member of his Management Team.

4. How can conflicts of interest be managed effectively?

4.1 You need to be alert to possible conflicts of interest which you might have and how you can minimise their effects. A key aspect of minimising the effects of conflicts of interest is to be open and transparent about such situations when they arise. The Council therefore recommends that you declare any actual or potential conflicts of interest of which you are aware, as soon as they arise.

4.2 Where an interest is declared by staff members they can discuss actions to be taken as a consequence with their line manager. It is advisable that a note is made of these arrangements in case of any future queries.

4.3 Where an interest is declared by a councillor then that interest will be noted by the Committee Manager attending the meeting. At present Standing Orders of the Council only require the councillor to absent himself or herself when a "Disclosable Pecuniary Interest" arises. Where any other conflict of interest arises it is for the councillor to declare that interest. It will usually be the case that the councillor will stay in the room, speak and vote on such matters. However if the councillor feels that this would lead to criticism in the circumstances then they are entitled to say that they wish to absent themselves from the room whilst the debate and vote proceeds without them.

4.4 The Council has established a register of interests – one for staff and one for councillors. In recording interests openly, any actual or potential conflicts of interest can be identified more easily. The relevant register of interests should be regularly updated.

4.5 It is good practice at the beginning of a meeting to declare any interest which you have in an item to be discussed, and certainly before any discussion of the item itself. Sometimes this is not possible because an issue arises in the

meeting so that the interest can only be declared later. In such a case, the Council expects the interest to be raised as early as possible.

5. What happens if there is a breach of the Policy?

- 5.1 There are formal sanctions available to the Council for those who are in breach. It all depends on the circumstances of the case. Staff can be subject to the disciplinary procedure, and councillors can be referred to the Members' Code of Conduct Committee.
- 5.2 The Members Code of Conduct Committee is responsible under the Constitution for the operation of the Staff Code of Conduct and the Member Code of Conduct and will keep the operation of this policy under review.

Appendix 4**COUNCIL STANDING ORDERS**

These Standing Orders are the rules which apply to meetings of the Council and should be read in conjunction with the Access to Information Procedure Rules and the Budget and Policy Framework Procedure Rules

1. TIME AND PLACE OF MEETINGS

- 1.1 Meetings of the Council will normally take place at 7.30pm in the Council Chamber at the Council Offices, Knowle Green, Staines unless otherwise notified by the proper officer in the summons to the meeting.

2. NOTICE OF MEETINGS

- 2.1 The Chief Executive will notify the public of the time and place of any meeting in accordance with the Access to Information Rules. Five clear days before a meeting, (unless the law requires the business to be transacted by a particular date) the Chief Executive will send a summons to every Member of the Council giving the date, time and place of the meeting and specifying the business to be transacted, and include any reports which are available.
- 2.2 The Chief Executive may cancel a meeting of the Council, its Committees, or the Cabinet where the agenda has already been issued if it is considered expedient to do so. The Chief Executive shall not exercise such power without prior consultation with the Mayor, the Leader or the Committee Chairman (as appropriate). Any outstanding business will be held over to the next scheduled meeting on a date to be arranged.

3. CHAIRING OF MEETINGS

- 3.1 The Mayor, if present, will chair the meeting. If the Mayor is absent the Deputy Mayor will take the chair. If both the Mayor and Deputy Mayor are absent, the Members present will elect any past Mayor present to take the Chair for the meeting.

4. QUORUM

- (a) The quorum of the Council is one quarter of the total number of Members and no business shall be considered unless a quorum is present;
- (b) If there is no quorum present at the time set for the start of a meeting, the start will be delayed for 30 minutes and if a quorum is still not present the meeting will stand adjourned to another day;
- (c) If, during the meeting, the Mayor declares that there is no quorum, the meeting will adjourn immediately;
- (d) Any business remaining shall be dealt with on a date and time fixed by the Mayor or if a date and time is not found, at the next ordinary meeting of the Council.

5. DURATION OF MEETING

- 5.1 The Chief Executive or his representative at any Council meeting will indicate to the Members present when any meeting has lasted for 3 hours. Unless the majority of Members present then agree that the meeting should continue, it will automatically be adjourned. Any business not considered will be considered at a time and date fixed by the Mayor. If the Mayor does not fix a date the remaining business will be considered at the next ordinary meeting.

6. ORDINARY MEETINGS

- 6.1 Ordinary meetings of the Council will take place in accordance with a programme decided at the Council's annual meeting or as otherwise agreed from time to time by the Council.
- 6.2 The agenda at an ordinary Council meeting will normally be to:-
- (a) Elect a person to preside if neither the Mayor or Deputy Mayor are present; (see Standing Order 3.1)
 - (b) Receive any apologies for absence;
 - (c) Approve the minutes of the last meeting;
 - (d) Receive any declarations of interest from Members;
 - (e) Receive any announcements from the Mayor, Leader, or the Chief Executive;
 - (f) Receive questions from members of the public and hear the Leader or other appropriate Member provide answers;
 - (g) Receive petitions; (See Standing Order 15)
 - (h) Deal with any business from the last Council meeting;
 - (i) Deal with recommendations from the Cabinet and the Council's committees and in doing so consider any representations by members of the public under the Access to Information Procedure Rules.
 - (j) Receive reports from the Leader and the Chairmen of the Council's Committees and their answers to any questions raised by Members on any of those reports;
 - (k) Receive reports about and hear questions and answers on the business of joint arrangements and external organisations;
 - (l) Consider motions;
 - (m) Hear the Leader or his nominee answer any questions asked by Members on issues in their Ward;
 - (n) Hear the Leader or his nominee or appropriate committee Chairman answer any questions from Members on matters generally affecting the Borough or for which their committee has responsibility; and
 - (o) Consider any other business specified in the summons to the meeting.

7. EXTRAORDINARY MEETINGS

7.1 Calling Extraordinary Meetings

Those listed below may request the Chief Executive to call Council meetings in addition to ordinary meetings of the Council:

- (a) The Council by resolution;
- (b) The Mayor;
- (c) The Monitoring Officer; and
- (d) Any five Members of the Council if they have signed a requisition presented to the Mayor and the Mayor has refused to call a meeting or has failed to call a meeting within seven days of the presentation of the requisition.

7.2 Business

The business at an extraordinary meeting will normally be confined to consideration of the specific issue for which it was called.

8. ANNUAL MEETING

8.1 Timing and business

In a year when there is an ordinary election of councillors, the annual meeting will take place within 21 days of the retirement of the outgoing Members. At such a meeting the Council will elect a Leader of the Council for a term of office expiring on the day of the post election annual meeting which follows his or her election. If there should be a vacancy in the position of Leader of the Council, the Council shall at its next ordinary meeting appoint another Leader of the Council.

In any other year, the annual meeting will take place in May.

The Annual meeting will:

- (a) Elect a person to preside if the Mayor is not present;
- (b) Elect a Member of the Council to be the Mayor of the Council;
- (c) Elect a Member of the Council to be Deputy Mayor of the Council;
- (d) Approve the minutes of the last ordinary meeting;
- (e) Receive any declarations of interest;
- (f) Receive announcements from the Mayor;
- (g) Receive announcements from the Leader about the appointment of a Deputy Mayor;
- (h) Receive announcements from the Leader about the number of seats on Cabinet and the portfolios for each Cabinet Member;
- (i) Receive announcements from the Leader about appointments to Cabinet;
- (j) Appoint at least one Overview and Scrutiny committee, a Standards Committee and such other committees as the Council

considers appropriate to deal with matters which are neither reserved to the Council nor are executive functions;

- (k) Approve a programme of ordinary meetings of the Council for the year if one has not previously been agreed; and
- (l) Consider any business set out in the notice convening the meeting.

8.2 **Selection of Councillors on Committees and Outside Bodies**

At the Annual meeting, the Council meeting will:

- (a) Decide which committees to establish for the municipal year;
- (b) Decide the size and terms of reference for those committees;
- (c) Decide the allocation of seats to political groups in accordance with the political balance rules;
- (d) Receive nominations of councillors to serve on each committee and outside body;
- (e) Appoint to those committees subject to the provisos that:
 - (i) not more than two members appointed to the Cabinet shall be appointed as members of the Licensing Committee or Planning Committee, respectively;
 - (ii) not more than one member appointed to the Cabinet and three members appointed to the Overview and Scrutiny Committees shall be appointed members of the Audit Committee;
 - (iii) the Chairman of the Audit Committee should not be a member of the Cabinet;
 - (iv) the Mayor shall not be appointed a member of any committee and the deputy Mayor may not be a member of the Cabinet; and
 - (v) one member of the Cabinet shall be appointed a member of the Standards Committee.
- (f) Appoint to outside bodies except where appointment to those bodies has been delegated by the Council or is exercisable only by the Leader.

9. **MINUTES**

9.1 **Signing The Minutes**

The Mayor will sign the minutes of a meeting at the next suitable meeting. The Mayor will move that the minutes of the previous meeting be confirmed and signed as a correct record. The only part of the minutes that can be discussed is their accuracy.

9.2 **No Requirement to Sign Minutes of Previous Meeting at Extraordinary Meeting**

Where in relation to any meeting, the next meeting for the purpose of signing the minutes is a meeting called under paragraph 3 of schedule 12 to the Local Government Act 1972 (an Extraordinary Meeting), then the next following meeting (being a meeting called otherwise than under that paragraph) will be treated as a suitable meeting for the purposes of paragraph 41(1) and (2) of schedule 12 relating to signing of minutes.

9.3 **Form of Minutes**

Minutes will contain all motions and amendments in the exact form and order the Mayor put them.

10. DECLARATIONS OF INTEREST

10.1 *Where in relation to an item on the agenda, a Member has a **Disclosable Pecuniary Interest**, that interest should be declared at the start of the meeting by giving full details of the interest and the item to which it relates. The Member must thereafter leave the room when that matter falls to be discussed and take no part in the debate or the vote for that business.*

10.2 *Where in relation to an item on the agenda, a member has*

(a) *a **Non-Pecuniary interest** arising under paragraphs 15 and 16 of the Code of Conduct for Councillors and Co-opted Members (the "Member Code of Conduct") (membership of outside bodies etc), or,*

(b) *any other **Conflict of Interest**;*

then such interest should be declared at the start of the meeting by giving full details of the interest and the item to which it relates. A Member is not required to leave the room when the item is debated but may do so if, in the opinion of the Member concerned, it is advisable in all the circumstances of the case. A Member with such an interest, who has remained for the debate, is entitled to speak and vote on the matter to which it relates.

11. RECOMMENDATIONS FROM THE LEADER, CABINET AND COMMITTEES

11.1 The adoption of recommendations of the Cabinet or a Committee to the Council shall be moved by the Leader or appropriate Committee Chairman (or in their absence, by any other Member called upon by the Mayor so to move) and seconded.

11.2 When moving a recommendation the Leader or the Chairman or other mover may briefly address the Council. (See Standing Order 18.4 for content and length of speeches)

11.3 Each recommendation shall be considered individually and the normal rules of debate shall apply.

Staff Code of Conduct

1. Introduction

- 1.1 The Code of Conduct is a guide to help give staff advice on some of the problem areas and pitfalls of working in public service. The Code of Conduct is issued to all new staff. The Code of Conduct covers all staff although some aspects may apply only to staff at a senior level.

2. Purpose of code

- 2.1 The Code has been designed to protect and safeguard the position of individual members of staff as much as those of the Council, and to avoid situations where members of staff might be accused of having some potentially conflicting interest in anything they might be involved in through their work with the Council. Its aim is to encourage staff to inform their managers confidentially on certain personal matters that could affect their duties at the Council. Failure to follow the Code could lead to embarrassing and/or difficult situations and ultimately to an investigation under the Council's disciplinary procedure.

3. Responsibility of staff

- 3.1 Staff are required to report to Chief Officers and record on the appropriate form, full details of:
- (a) Any financial interests outside the Council;
 - (b) Any interest in property in Spelthorne other than your main residence;
 - (c) Any relevant relationship with councillors, other members of staff, contractors, potential contractors or people in partner organisations;
 - (d) Any outside employment or business interests;
 - (e) Any outside commitments or memberships of outside organisations or other public appointments; and,
 - (f) Any other connection to the Council's work which may be relevant (e.g. an interest in a property which may be subject to a planning application, or a family member who may be seeking financial support).
- 3.2 A simple pro forma for recording details of any of these matters is available on Spel-net and should be completed by all members of staff affected and forwarded to the appropriate Chief Officer, in confidence, as soon as possible. In any event, staff are required to report:
- (a) On entering the organisation during the induction process;
 - (b) Annually at appraisal time; or,
 - (c) Whenever a significant new matter arises under this Code.
- 3.3 Previous declarations need to be resubmitted on a new form so that the current form is comprehensive. It is important that information is updated as and when circumstances change. If there are any problems (e.g. about the extent of details required) staff should consult their Chief Officer.

- 3.4 Any information given about interests etc. will be maintained in confidence in the Council's Register. It will be available for inspection by the following people:
- (a) Your Head of Service
 - (b) Head of Human Resources
 - (c) Head of Audit Services
 - (d) Head of Corporate Governance
 - (e) Management Team
- 3.5 Advice or clarification on any matters covered by the Code of Conduct is available from Human Resources, the Head of Corporate Governance or your Chief Officer.
- 4. Other rules applicable to employees**
- 4.1 The main rules relating to the work of the Council are included within the Council's Constitution. Some of the other documents from the Constitution with which you should be familiar are:
- (a) Contract Standing Orders
 - (b) Financial Regulations
 - (c) Policy on Gifts and Hospitality
 - (d) Policy on Anti-Fraud and Corruption
 - (e) Confidential Reporting Code (Whistleblowing policy)
- 4.2 In addition, the Council has numerous other policies for guiding the work of staff and these are available on Spel-net. You should be familiar with these policies because they affect your work, they are relevant to this Code and if you do not abide by them, then they could be disciplinary matters under the Disciplinary Policy, such policies are:
- (a) The Disciplinary Policy
 - (b) Acceptable use policy (for the internet)
 - (c) ICT security policy
 - (d) Data protection policy
 - (e) Any specific departmental policy about access to restricted data or computer systems
- 5. Code of conduct - standards**
- 5.1 The Council has adopted the Nolan Committee's Seven Principles of Public Life as part of its Member Code of Conduct and this Staff Code of Conduct, hence you shall have regard to the following principles – selflessness, integrity, objectivity, accountability, openness, honesty and leadership. Accordingly, when employed by the Council -
- (a) You must act solely in the public interest and should never improperly confer an advantage or disadvantage on any person or act to gain financial or other material benefits for yourself, your family, a friend or close associate.

- (b) You must not place yourself under a financial or other obligation to outside individuals or organisations that might seek to influence you in the performance of your official duties.
- (c) When carrying out your public duties you must make all choices, such as making public appointments, awarding contracts or recommending individuals for rewards or benefits, on merit.
- (d) You are accountable for your decisions to the public and you must co-operate fully with whatever scrutiny is appropriate to your office.
- (e) You must be as open as possible about your decisions and actions and the decisions and actions of your authority and should be prepared to give reasons for those decisions and actions.
- (f) You must declare any private interests, both pecuniary and non-pecuniary, that relate to your public duties and must take steps to resolve any conflicts arising in a way that protects the public interest, including registering and declaring interests in a manner conforming with the procedures set out below.
- (g) You must promote and support high standards of conduct when serving in your public post, in particular as characterised by the above requirements, by leadership and example.

6. Disclosure of information and confidentiality

- 6.1 The law requires that certain types of information must be available to councillors, auditors, government departments, service users and the public. Other information is subject to confidentiality. You must be aware of the types of information, which in Spelthorne Borough Council are open and those which are not, and act accordingly.
- 6.2 You should not use any information obtained in the course of your employment for personal gain or benefit, nor should you pass it on to others who might use it in such a way. Any particular information received by you from a councillor or a fellow employee which is personal to that person and does not belong to the Council, should not be divulged by you without the prior approval of that person.
- 6.3 If you have any doubts about your ability to share or restrict access to information then you should contact the Council's Data Protection Officer, on ext 6241.

7. Political neutrality

- 7.1 You serve the Council as a whole. It follows you must serve all councillors and not just members of any controlling group of councillors, and must ensure that the individual rights of all councillors are respected.
- 7.2 Whether or not your post is politically restricted, you must follow every lawful expressed policy of the Council and must not allow your personal or political opinions to interfere with your work. Information on politically restricted posts can be obtained from the Head of Human Resources or the Head of Corporate Governance. Guidance is also available on Spel-net.

8. Relationships

- 8.1 You must never become involved in dealing with or determining any application or request you or a member of your family or personal friend make to the Council, for example an application for planning permission or for council tax or housing benefit.

Councillors

- 8.2 You are responsible to the Council through its senior managers. For some, your job is to give advice to councillors and the Council. Mutual respect between staff and councillors is essential to good local government. Close personal familiarity with individual councillors can damage the relationship and prove embarrassing to other employees and councillors and should therefore be avoided. Any close personal friendships with councillors should be declared to your Chief Officer.

The Local Community and Service Users

- 8.3 You should always remember your responsibilities to the community you serve and ensure courteous, efficient and impartial service delivery to all groups and individuals within that community.

Contractors

- 8.4 All personal relationships with contractors or potential contractors (i.e. contractors who could bid for Council work) should be declared to your Chief Officer.
- 8.5 Orders and contracts must be awarded on merit, by fair competition against other tenders, and no favouritism should be shown to businesses run by, for example, friends, partners or relatives. No part of the community should be discriminated against.
- 8.6 If you engage or supervise contractors or have an official relationship with contractors and have previously had or currently have a relationship (i.e. working or friendship) in a private or domestic capacity with a contractor or potential contractor, you should declare that relationship to your Chief Officer.

9. Appointment and other employment matters

- 9.1 If you are involved in appointments you should ensure that these are made on the basis of merit. It would be unlawful to make an appointment which was based on anything other than the ability of the candidate to undertake the work. In order to avoid any possible accusation of bias, you should not be involved in an appointment where you are related to an applicant, or have a personal relationship (including friendship) outside work with him or her. You should declare any such relationship to your Chief Officer in advance.
- 9.2 Similarly, you should not be involved in decisions relating to discipline, promotion or pay adjustments for any other employee who is a relative, partner or close friend.

10. Outside commitments

- 10.1 You are required to obtain written consent from your Chief Officer to take any other paid employment or occupation in addition to the post held with the Council. This includes directorships, consultancies and sponsorships by any

company, organisation or individual. It also includes any other business interests you pursue on your own account. You should be clear about your contractual obligations to the Council and should not take outside employment which conflicts or might conflict in the future with the Council's interests.

- 10.2 You may not carry out work arising from additional employment in office time nor use Council resources or facilities for those purposes.
- 10.3 Payment for personal use of Council facilities, e.g. making telephone calls, using fax or photocopiers, should be dealt with through the Council's Honesty Box scheme.
- 10.4 You should follow the Council's policies on the ownership of intellectual property or copyright created during your employment i.e:-
 - (a) all creative designs, writings and drawings produced by you in the course of your duties, belong to the Council;
 - (b) all inventions made by you are the property of the Council if made during the course of your duties.

11. Other personal interests

- 11.1 You must declare to your Chief Officer any financial interests which could conflict with the Council's interests e.g. any pecuniary interest in a business or company within Spelthorne or with which the Council might do business.
- 11.2 You must declare to your Chief Officer, any interest you have as freeholder, lessee, licensee or tenant in any land or property in Spelthorne except your main residence as recorded in your personnel records.
- 11.3 You must declare to your Chief Officer all non-financial interests which you consider could bring about conflict with the Council's interests or activities. Examples might be membership of the committee of an organisation seeking or receiving grant aid from the Council, membership of a National Health Service Trust Board operating in Spelthorne or involvement with an organisation or pressure group which may seek to influence the Council's policies. Ordinary membership of organisations whether local or national (e.g. National Trust, RSPB etc) will not usually be relevant.

12. Equality issues

- 12.1 You have an obligation to ensure that policies relating to equality issues as agreed by the Council are complied with, as well, of course, as the requirements of the law. All members of the local community, customers and other employees have a right to be treated with fairness and equity.

13. Separation of roles during tendering

- 13.1 You must be clear on the separation of client and contractor roles within the Council. If you are a senior employee with both a client and contractor responsibility, you must be aware of the need for accountability and openness. Regulations for compulsory competitive tendering have particular requirements for ensuring that contractor units are not involved in tender evaluation. If in doubt, please consult Legal Services.

- 13.2 If you are in a contractor or client unit you must exercise fairness and impartiality when dealing with all customers, suppliers, contractors and sub-contractors.
- 13.3 If you are privy to confidential information on tenders or costs for either internal or external contractors, you should not disclose that information to any unauthorised party or organisation.
- 13.4 If you are contemplating a management buyout, you should inform your Chief Officer as soon as you have formed a definite intent and withdraw from the contract awarding process.
- 13.5 You should ensure that no special favour is shown to work colleagues or former employees of the Council or their partners, close relatives or associates, in awarding contracts.

14. Use of financial resources

- 14.1 You must ensure that you use public funds entrusted to you in a responsible manner, ensuring value for money to the local community and avoiding legal challenge to the Authority. If you are in doubt about your obligations, you must seek advice.

REPORT FROM THE LEADER OF THE COUNCIL ON THE WORK OF THE CABINET

This is my report as the Leader of the Council on the work of the Cabinet. It is an overview of the main issues the Cabinet discussed at its meetings on 25 June and 16 July 2013.

Cabinet meeting on 25 June

1. Fly tipping

1.1 We considered a report on the level of fly tipping in Spelthorne and the employment of a fly tipping officer.

1.2 We agreed to:

- 1) Option 4, the submission of a bid to the Surrey County Council Local Committee for the employment of a full time fly tipping officer on a one year trial at a maximum cost of £60,000. (This would include a vehicle and camera costs in the first year and Spelthorne clearing all fly tips currently the responsibility of Surrey County Council but not any out of hours work associated with fly tipping).
- 2) The installation of appropriate signage as soon as possible at known fly tipping hotspots around the borough.

2. Christmas lights in Staines-upon-Thames town centre

2.1 We considered a report on the provision of Christmas lights in Staines-upon-Thames town centre.

2.2 We agreed to:

- 1) The decision made by the Chief Executive following consultation with the Leader and the Portfolio Holder for the purchase of the Christmas lights, and
- 2) The decision made by Councillor Watts, Leader of the Council, to approve provision of £26,700 within the capital budget to allow for the purchase of the lights.

3. A Playing Pitch Strategy for Spelthorne

3.1 We considered a report on the first draft of the Playing Pitch Strategy for Spelthorne.

3.2 We agreed to the Strategy going out for public consultation.

Cabinet meeting on 16 July

1. A Playing Pitch Strategy for Spelthorne – Key Decision

1.1 We considered a report on the results of the public consultation on the Playing Pitch Strategy for Spelthorne.

1.2 We agreed to adopt the Playing Pitch Strategy.

2. Manor Park Café and Beresford House

- 2.1 We considered a report on the request to grant two Leases on Council land in Manor Park and for the use of Beresford House within Fordbridge Park.
- 2.2 We agreed to the grant of a Lease, in accordance with the terms as set out in the report, to:
- (a). Mr. and Mrs. Rowe for the purpose of a new community café in Manor Park, Shepperton, and
 - (b). Spelthorne Mental Health Association for the use of Beresford House within Fordbridge Park.

3. Assets of Community Value

- 3.1 We considered a report on new legislation which gives community groups greater powers to formally identify assets which are of community value within the local authority's area.
- 3.2 We agreed:
- (a). To create a new Member Panel to be referred to as the Assets of Community Value Member Panel, with the remit and terms of reference as set out in paragraph 3 of the report.
 - (b). The Leader to be delegated authority to assess and determine recommendations made by the Assets of Community Value Member Panel.
 - (c). The Head of Corporate Governance be delegated the authority to be the senior officer responsible for internal reviews of nomination decisions made under the Act and the Regulations.
 - (d). The Chief Executive be delegated the authority to be the officer responsible for internal reviews of compensation decisions made under the Act and the Regulations.
 - (e). The Head of Corporate Governance to agree all other processes and procedures for dealing with any applications made under this scheme.

4. Lease of office premises at Council offices, Knowle Green, to Surrey County Council

- 4.1 We considered a report requesting approval of a new Lease to the County on their use of office space at Knowle Green.
- 4.2 We agreed to a new Lease to Surrey County Council for office space at the Council offices, Knowle Green for five years until 4 December 2016.

Councillor Robert Watts
Leader of the Council

25 July 2013

REPORT OF THE CHAIRMAN ON THE WORK OF THE AUDIT COMMITTEE

The Audit Committee held a meeting on 27 June 2013 and considered the following items of business.

1. Corporate Risk Management

The Committee noted and accepted the quarterly update on the Corporate Risk Register.

2. Internal Audit Annual Report 2012/13

The Committee noted the Internal Audit Annual Report for the period April 2012 to March 2013, and the overall opinion on the Council's systems of internal control.

3. Internal Audit Charter

The Committee approved the Internal Audit Charter.

4. Committee Work Programme 2013/14

The Committee approved its Work Programme for the Municipal Year 2013/14.

Councillor D. Gohil
Chairman of the Audit Committee

25 July 2013

REPORT OF THE CHAIRMAN ON THE WORK OF THE LICENSING COMMITTEE

There have been two Licensing Sub-Committee meetings and one Committee meeting since the last report of the Chairman. Details of their work are set out below.

1. Licensing Sub-Committee 9 May 2013

A Licensing Sub-Committee considered a report to determine whether or not Mr G. Hugo was a fit and proper person to hold a private hire driver licence. The Sub-Committee granted the application by Mr Hugo for the reasons set out in the decision notice.

2. Licensing Sub-Committee 6 June 2013

A Licensing Sub-Committee considered a report to determine whether or not Mr G. Mandan was a fit and proper person to hold a private hire driver licence. The Sub-Committee refused the application by Mr Mandan for the reasons set out in the decision notice.

3. Licensing Committee 10 July 2013

The Licensing Committee received refresher training on all aspects of licensing from Peter Savill, Barrister.

Councillor Marian Rough
Chairman of the Licensing Committee

25 July 2013

REPORT OF THE CHAIRMAN ON THE WORK OF THE MEMBERS' CODE OF CONDUCT COMMITTEE

The Members' Code of Conduct Committee has met twice since the last Council meeting on 21 May 2013 and 2 July 2013 and considered the following items of business.

21 May 2013

1. Hearing Procedures

- 1.1 The Committee discussed the revised procedures for dealing with Hearings under the Members' Code of Conduct and in particular alternative wording in relation to the powers of the hearing panel.
- 1.2 The Committee agreed to amend the hearing procedures by providing the Hearing Panel with the power to set the time frame on the actions it required to be taken.

2. Staff Code of Conduct

- 2.1 The Committee received and discussed feedback from Management Team and Heads of Service following consultation on the draft Staff Code of Conduct.
- 2.2 After a lengthy discussion, the Committee considered the requirement for staff to declare membership of secret societies to no longer be of concern in today's society with much networking activity taking place in the open on LinkedIn.com and through Spelthorne Business Forum. Furthermore, the Committee noted that the amendments to the new Members' Code of Conduct would not require councillors to disclose membership of secret societies and it felt that in order to be equitable on this issue there should be similar provision for both councillors and staff.
- 2.3 The Committee went on to discuss the use of social media in relation to its impact on member and staff conduct. It agreed to look at the Council's Social Media Policy at its July meeting in relation to the potential pitfalls in its use and whether further guidance and advice for staff and councillors was required.
- 2.4 The Committee agreed to recommend the draft Staff Code of Conduct to Council for approval, subject to the removal of the requirement for staff to declare membership of secret societies.

3. Gift and Hospitality Provisions

- 3.1 The Committee discussed provisions to be added to the new Members' Code of Conduct covering gaps identified by members at previous meetings in relation to: gifts and hospitality; membership of outside bodies and organisations; and dealing with conflicts of interest other than those which are prescribed as "Disclosable Pecuniary Interests"
- 3.2 The Committee agreed to recommend Council to approve the revised Members' Code of Conduct, the Policy of Gifts, Hospitality and Sponsorship, the Conflicts of Interest Policy and consequential amendments to Standing Orders.

4. Work Programme

- 4.1 The Committee noted its work programme for 2013–2014 subject to further discussion on the Council's Social Media Policy at the next meeting and agreeing a date in September 2013 for training on the hearings process.

2 July 2013

1. Review of new Arrangements

- 1.1 The Committee considered a report on its activity and progress during its first year of operation.
- 1.2 The Committee noted the current arrangements for publicity of the Code and Arrangements for dealing with allegations of misconduct.
- 1.3 The Committee discussed and agreed to amend the arrangements for dealing with allegations of misconduct in regard to the timescales within which complaints were dealt with.

2. Independent Person Protocol

- 2.1 The Committee considered and agreed a draft Independent Person Protocol.
- 2.2 The Committee noted that the Monitoring Officer would discuss the protocol with the Council's partners, Guildford BC, Mole Valley DC and Waverley BC and report back to a future meeting of the Committee on their experiences of hearings and with suggestions for the implementation of a protocol across the four authorities.

3. Work Programme

- 3.1 The Committee agreed its work programme and the date of 5 September 2013 for training for Committee members on the hearings process. It also noted that arrangements had been made for all councillors to receive training on the Members' Code of Conduct on 23 September 2013.
- 3.2 The Committee received a demonstration of the Council's Twitter and Facebook sites and discussed the potential pitfalls for staff and councillors. The Committee was provided with copies of the Council's Corporate Information Security Policy (Use of Social Networking Sites) and the Legal Services department's Social Media Policy to consider whether there was a need for further guidance and advice on the use of social media by staff and councillors.

Murray Litvak,

Chairman of the Members' Code of Conduct Committee

25 July 2013

REPORT OF THE CHAIRMAN ON THE WORK OF THE OVERVIEW AND SCRUTINY COMMITTEE

The Overview and Scrutiny Committee has met once since the last Council meeting and this report gives an overview of the issues considered.

1. Spelthorne's Allotments – briefing paper

- 1.1 The Committee noted a briefing paper on the management of the Council's allotment sites and the work being done to reduce waiting lists and gradually move the sites over to self-management.

2. Housing Issues in Spelthorne – briefing paper

- 2.1 The Committee noted a briefing paper on housing issues during the economic downturn including: the acute shortage of affordable accommodation both in the public and private rented sector; challenges arising as a result of the welfare reform changes; the rising costs to the Council associated with implementing homeless legislation and administering discretionary housing payments and the uncertainty faced by the Housing Benefit staff over their future.

3. Economic Strategy programme - update

- 3.1 The Committee noted an update on the actions which had been taken to prepare an Economic Strategy for the Borough, following this Committee's recommendation to Cabinet of the need for such a strategy. Public consultation on a Local Economic Assessment, a forerunner to preparation of the strategy itself, and a business survey had both been carried out. The results of these were currently being analysed and would be available by the end of this month, with the draft strategy being ready in September/October 2013.

4. Planning: TRA review and levels of customer satisfaction - update

- 4.1 The Committee noted an update on the improvements which had taken place in the planning service following the Trevor Roberts Associates review of 2009. A survey in 2011 showed higher levels of customer satisfaction and highlighted further areas for improvement which had also been addressed.

5. Spelthorne's Project Management methodology – update

- 5.1 The Committee noted an update on progress with the Project Management methodology. There were now 24 Flagship Projects, which it acknowledged was a large number to manage for an authority of Spelthorne's size.

The Committee noted that it would receive updates at every meeting.

6. Financial Reports

- 6.1 The Committee noted two financial monitoring reports setting out the provisional outturn position for both revenue and capital for 2012/2013.

- 6.2 In relation to Capital, £634k had been spent against a revised budget including carry forwards from 2011/12 of £1.753m. A large proportion of the £1.119m underspend would be carried forward to 2013/2014. The Committee noted that the Portfolio

Holder for Finance would be reviewing the capital programme over the summer period.

- 6.3 In respect of Revenue, £11.707m had been spent against the original budget of £2.371m. The Committee noted that the favourable outturn enabled the Council to protect its balance sheet position by not using Interest Equalisation Reserve in 2012/13, to accommodate carry forwards of £164k into 2013/14 and replenish invest to save reserves.
- 6.4 The Committee also discussed the Treasury Management annual report for 2012/13 which covered the council's activities in the borrowing and investment market.

7. Leisure and Culture Strategy

- 7.1 The Committee received a presentation from the Leisure Services Manager on the draft Leisure and Culture Strategy for 2013-2016, which following further discussions would be amended to include more on the health and wellbeing and economic benefits, of leisure facilities.
- 7.2 The Committee endorsed the comments of the Portfolio Holder for Leisure and Culture that as the strategy relates to a discretionary service, it is important to make a compelling business case to justify the service and entice external funding in order to ensure its future viability.
- 7.3 The Committee contributed suggestions for inclusion in the strategy and agreed to establish a task group to work with the officers to further develop the draft strategy.

8. Committee Arrangements

- 8.1 The Vice-Chairman Councillor D. Patel gave a brief explanation of the role and work of the Overview and Scrutiny Committee.
- 8.2 The Committee noted the work it had undertaken and the task groups which had operated during 2012-13.
- 8.3 The Committee split into groups to identify topics of interest/concerns that could be considered for inclusion in the work programme for 2013-14. As Chairman, I will be working with the Vice-Chairman and officers to produce a work programme from the topics identified by the Committee.

Councillor Philippa Broom

Chairman of the Overview and Scrutiny Committee

25 July 2013

REPORT OF THE CHAIRMAN ON THE WORK OF THE PLANNING COMMITTEE

1. The Planning Committee has met only once since the previous report was prepared for the Council meeting. This report therefore gives an overview of the key items considered by the Planning Committee at the meeting on **5 June 2013**.
2. This meeting dealt with 5 items. Public speaking took place on two of the items with 3 people taking the opportunity to address the Committee.

The most notable items on the agenda were:

- The approval of a four storey Class B1 Business building at the BP International site in Chertsey Road, Sunbury.
- The approval of a scheme for the refurbishment and extension by the creation of an additional floor, of the existing office building situated at Thameside House, South Street, Staines-upon-Thames.
- At the meeting permission was also refused for a residential development of 24 dwellings in the Green Belt at land at Manor Farm , 126 Charlton Road Shepperton .

Councillor Richard Smith-Ainsley
Chairman of the Planning Committee

25 July 2013

